

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVID KEITH GREEN,

Plaintiff,

v.

Sheriff THOMAS SMITH,

Defendant.

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CASE NO. 5:19-CV-370-MTT-MSH

ORDER

United States Magistrate Judge Stephen Hyles recommended dismissing Plaintiff David Keith Green's complaint, and Green objected. Docs. 14; 15. The Court adopted the proposed findings, conclusions, and recommendations of the Magistrate Judge, and judgment was entered the next day. Docs. 16; 17. Green now moves for the Court to vacate its order. Doc. 18. The Court construes Green's motion as one for reconsideration, and that motion (Doc. 18) is **DENIED**.

"With the exception of motions filed pursuant to Fed. R. Civ. P 59(e), motions for reconsideration shall be filed within fourteen (14) days after entry of the order." M.D. Ga., L.R. 7.6. Judgment was entered on August 4, 2020. Doc. 17. Green filed his motion on October 30, 2020. Doc. 18. Therefore, Green's motion is untimely.

Pursuant to Local Rule 7.6, "Motions for Reconsideration shall not be filed as a matter of routine practice." M.D. Ga., L.R. 7.6. Indeed, "[r]econsideration of a previous order is an extraordinary remedy to be employed sparingly." *Bingham v. Nelson*, 2010 WL 339806, at *1 (M.D. Ga.) (internal quotation marks and citation omitted). It "is

appropriate only if the movant demonstrates (1) that there has been an intervening change in the law, (2) that new evidence has been discovered which was not previously available to the parties in the exercise of due diligence, or (3) that the court made a clear error of law.” *Id.* “In order to demonstrate clear error, the party moving for reconsideration must do more than simply restate his prior arguments, and any arguments which the party inadvertently failed to raise earlier are deemed waived.” *McCoy v. Macon Water Auth.*, 966 F. Supp. 1209, 1222-23 (M.D. Ga. 1997). Here, Green has raised no change in the law, newly discovered evidence, or clear error in the Court’s previous order.

Accordingly, Green’s motion for reconsideration (Doc. 18) is **DENIED**.

SO ORDERED, this 22nd day of January, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT